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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,233	01/31/2001	Alexander Mayzel	AREWP0105US	6140

7590 01/14/2003

Heidi A. Boehlefeld
Renner, Otto, Boisselle & Sklar, LLP
Nineteenth Floor
1621 Euclid Avenue
Cleveland, OH 44115

EXAMINER

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 01/14/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/773,233

Applicant(s)

MAYZEL, ALEXANDER

Examiner

Monique R Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5. 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's election of Group II, Claims 19-30 in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 1-18 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 19-24 are rejected under 35 U.S.C. 102(a) or 102(e) as being anticipated by Mokerji (USPN 6,090,490.) Mokerji teaches an article coated with a multilayer coating comprising a thermoplastic or thermoset polymeric layer deposited on the surface of the article, a zirconium compound, titanium compound or zirconium/titanium alloy compound layer, including oxides, deposited on the polymeric layer by known vapor deposition processes, and a silicone resin layer deposited on the zirconium or titanium compound layer; wherein the substrate can be any suitable material including plastic, metal or metal alloy such as nickel,

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aluminum, copper, zinc, steel, brass and nickel alloys; wherein the silicone resin layer is an organopolysiloxane layer applied by spraying or other conventional techniques; and wherein a strike layer may be formed between the polymeric layer and the metal compound layer to improve adhesion of the metal compound layer to the polymer layer (Abstract; Col. 1, line 53-Col. 2, line 5; Col. 2, line 59-Col. 3, line 47; Col. 4, line 1-Col. 5, line 24; Examples; Figure 2.)

5. Claims 19-21 and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimabukuro et al (USPN 4,457,598.) Shimabukuro et al teach a reflector comprising a base body, a reflecting layer made of aluminum formed on one surface of the base body by vacuum deposition, a light-transmitting water-insoluble inorganic oxide layer formed by vacuum deposition on the aluminum reflecting layer, and a protective sealing layer on the surface of the inorganic oxide layer; wherein the oxide layer may be zirconium oxide, silicon dioxide, silicone monoxide, aluminum oxide; wherein the base body may be formed by a dielectric material such as a ceramic, polycarbonate or polyimide plate, or may be an electrically conductive substrate whose surface is coated with a dielectric material such as a metal or graphite substrate coated with an inorganic compound such as silica, polysiloxane, or polyester paint; and wherein a smoothing layer may be provided on the surface of the base body by hardening and baking an inorganic compound such as silicon oxide paint, polycarbonate paint or polysiloxane paint (Abstract; Figure 1; Col. 2, line 22-Col. 3, line 51; Examples.)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mokerji (USPN 6,090,490). The teachings of Mokerji are discussed above. Though Mokerji teaches that the substrate may be a metal or metal alloy substrate, Mokerji does not teach applying an inorganic or metal oxide layer to the substrate prior to application of the polymeric layer.

However, it is well known and conventional in the art to provide metallic substrates with a metal oxide layer on the surface of the substrate prior to subsequent coatings to improve corrosion resistance of the metallic substrate and hence one having ordinary skill in the art at the time of the invention would have been motivated to provide an inorganic metal oxide layer such as a zinc oxide layer on the surface of the metallic substrate taught by Mokerji prior to coating with the polymeric coating to improve corrosion resistance of the metallic substrate.

8. Claims 22-23 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimabukuro et al in view of Mokerji. The teachings of Shimabukuro et al are discussed above. Though Shimabukuro et al teach the use of a protective layer on the coated substrate, Shimabukuro et al do not teach the use of an organosiloxane topcoat layer however, it is known in the art that an organosiloxane topcoat layer can provide improved protective properties to a coated substrate such as abrasion and scratch resistance as taught by Mokerji and hence, one having ordinary skill in the art at the time of the invention would have been motivated to utilize a polysiloxane protective topcoat for the invention taught by Shimabukuro et al. Further, though Shimabukuro et al teach the use of an inorganic or polymeric smoothing layer on the surface of the base body, Shimabukuro et al do not specifically teach an adhesion-promoting layer between the polymeric coating layer and the aluminum layer. However, it would have been obvious to

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one having ordinary skill in the art to include intermediate tie layers between two adjacent layers to provide improved adhesion between the layers as deemed necessary based on the desired end use of the coated product and hence one having ordinary skill in the art would have been motivated to provide adhesion promoting layers between any two adjacent layers taught by Shimabukuro et al to provide the desired adhesion for a particular end use.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 703-308-0428.

The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Monique R. Jackson
Patent Examiner
Technology Center 1700
January 13, 2003